

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

JESUS HILARIO-BELLO,

Defendant.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/26/22

No. 11 Cr. 755 (JFK)
No. 16 Civ. 4971 (JFK)
No. 19 Civ. 6964 (JFK)

ORDER

JOHN F. KEENAN, United States District Judge:

On July 24, 2019, Defendant-Petitioner Jesus Hilario-Bello ("Hilario-Bello") filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (Docket No. 11 Cr. 755; ECF No. 412). One of the arguments Hilario-Bello raises in support of his motion is that he received constitutionally ineffective assistance of trial counsel. (ECF No. 413.)

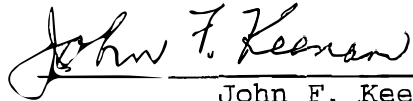
In order to resolve Hilario-Bello's ineffective assistance of counsel claims, it is necessary for the Court to hear from his trial counsel, Steven F. Pugliese. See Puglisi v. United States, 586 F.3d 209, 213 (2d Cir. 2009). Hilario-Bello, by raising a claim of ineffective assistance of counsel in his motion, has waived attorney-client privilege as a matter of law. See Coluccio v. United States, 289 F. Supp. 2d 303, 305 (E.D.N.Y. 2003). The Court recognizes, however, that absent a court order, ethical concerns may inhibit counsel from disclosing confidential information relating to a prior client.

See, e.g., ABA Standing Comm. on Ethics and Prof. Responsibility Formal Op. 10-456 (July, 14, 2010), Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim.

Accordingly, it is hereby ORDERED that Hilario-Bello's former attorney, Steven F. Pugliese, shall give sworn testimony, in the form of an affidavit, addressing Hilario-Bello's allegations of ineffective assistance of counsel by no later than June 16, 2022.

SO ORDERED.

Dated: New York, New York
May 26, 2022



John F. Keenan
United States District Judge